

To: hagler.tom@epa.gov[]
Cc: []
Bcc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Wed 10/29/2014 5:04:49 PM
Subject: Fw: Section 404 Meeting (UNCLASSIFIED)

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415) 972-3945
Email: hagler.tom@epamail.epa.gov
----- Forwarded by Tom Hagler/R9/USEPA/US on 10/29/2014 10:04 AM -----

From: Karen Schwinn/R9/USEPA/US
To: "Nawi, David" <David_Nawi@ios.doi.gov>,
Cc: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
Date: 03/16/2012 04:27 PM
Subject: RE: Section 404 Meeting (UNCLASSIFIED)

I think David states the status accurately. I noted my understanding on each of David's questions below (in red).

I think we could have a more substantive conversation after we'd all had a chance to review the relevant pierces of the draft DEIS. But I'm happy to talk in the interim as well. Thanks. - Karen

~~~~~  
KAREN SCHWINN  
Associate Director  
Water Division  
U.S. EPA Region 9  
75 Hawthorne Street (Wtr-1)  
San Francisco, CA 94105  
415/972-3472  
415/297-5509 (mobile)  
415/947-3537 (fax)  
~~~~~

From: "Nawi, David" <David_Nawi@ios.doi.gov>

To: "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
Cc: Karen Schwinn/R9/USEPA/US@EPA
Date: 03/16/2012 08:55 AM
Subject: RE: Section 404 Meeting (UNCLASSIFIED)

Paul - Waiting for Mike Jewell seems wise. Let's see what we can do for the following week.

Based on what I know - and as you know I have not been intimately involved - I believe we need a clear common understanding on the federal side that we can then discuss with DWR of how section 404 permitting fits into the BDCP EIS/EIR. I believe that the BDCP EIS is intended to serve as the project specific NEPA document for USACE permitting of the conveyance facility. If there is agreement on that fundamental point, we then need to address

- the process and timing to accomplish this - when will a project description for the conveyance for Corps purposes under NEPA be needed/ available; the applicant can submit a 404 permit application to the Corps whenever they want. Seems like the sooner they do, the sooner the Corps can determine "the basic and overall project purpose".

- what if any added elements will be required for the NEPA analysis to meet Corps needs (e.g., LEDPA analysis); We defer to the Corps on determining what they need for their NEPA compliance, and note that they will have broader information needs.

- role of lead agencies working with USACE and DWR to bring this all together; not our issue

- permitting MOU - are we going to proceed without one, and if so what will the process and timing be for moving forward; I'm assuming no MOU.....But as we review the draft EIR/S, I hope to provide feedback on where we believe additional information/detail will be needed for 404 permitting, and where we are ok. This would encompass those milestones that were originally in the draft NEPA/404 MOU. We plan to coordinate these comments with the Corps, same as we would've if we were operating under an MOU.

- and last, perhaps an understanding of how section 408 permitting will be addressed. no EPA role here

I am taking the liberty of copying Karen, who can likely correct or add to the above.

I hope this helps, and I would be glad to discuss with you at your convenience.

David

From: Robershotte, Paul J SPD [Paul.J.Robershotte@usace.army.mil]
Sent: Friday, March 16, 2012 6:43 AM
To: Nawi, David
Subject: Re: Section 404 Meeting (UNCLASSIFIED)

David

Yes, it would be good to wait for Jewell. What would also help is understanding what the issue is. I may not see the situation the same way as my Federal brethren and if you could share their take on the situation, it would help a lot.

Thanks

Paul

----- Original Message -----

From: Nawi, David [mailto:David_Nawi@ios.doi.gov]
Sent: Thursday, March 15, 2012 03:34 PM
To: Robershotte, Paul J SPD
Cc: Karen Schwinn <Schwinn.Karen@epamail.epa.gov>
Subject: FW: Section 404 Meeting (UNCLASSIFIED)

Paul - Do you prefer to await Mike Jewell's return to have this meeting? I understand that it is not time critical, so that moving the meeting until the following week would be OK.

Please let me know - it's your call.

Thanks.

David

-----Original Message-----

From: Nepstad, Michael G SPK [mailto:Michael.G.Nepstad@usace.army.mil]
Sent: Thursday, March 15, 2012 2:54 PM
To: Nawi, David; Schwinn.Karen@epamail.epa.gov; Hagler.Tom@epamail.epa.gov; Robershotte, Paul J SPD; Jewell, Michael S SPK; Monroe, Jim; Foresman.Erin@epamail.epa.gov
Subject: RE: Section 404 Meeting (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Either time works for me. Michael Jewell is out for that entire week

Michael G. Nepstad
Deputy Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
(916) 557-7262 Fax:(916) 930-9506
michael.g.nepstad@usace.army.mil

* We want your feedback! Take the survey:
<http://per2.nwp.usace.army.mil/survey.html>

* Need information on the Regulatory Program? Visit our website:
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

* Facebook: www.facebook.com/sacramentodistrict

* YouTube: www.youtube.com/sacramentodistrict

* Twitter: www.twitter.com/USACESacramento

-----Original Message-----

From: Nawi, David [mailto:David_Nawi@ios.doi.gov]
Sent: Thursday, March 15, 2012 1:29 PM
To: Nawi, David; Schwinn.Karen@epamail.epa.gov; Hagler.Tom@epamail.epa.gov;

Robershotte, Paul J SPD; Jewell, Michael S SPK; Nepstad, Michael G SPK;
Monroe, Jim; Foresman.Erin@epamail.epa.gov
Subject: RE: Section 404 Meeting

Based on Paul's schedule, can we do this call/meeting at 1:30 p.m. on Tuesday
march 20?

From: Nawi, David
Sent: Thursday, March 15, 2012 12:17 PM
To: Schwinn.Karen@epamail.epa.gov; Hagler.Tom@epamail.epa.gov; Robershotte,
Paul J SPD; michael.s.jewell@usace.army.mil; Nepstad, Michael G SPK; Monroe,
Jim
Subject: Section 404 Meeting

Based on the discussion at the federal coordination meeting this morning, it
appears that we would benefit from a meeting/conference call to clarify
where we are in terms of 404 permitting and the BDCP NEPA document. Once we
come to a common understanding, I believe the next step would be to engage
DWR to see if we can all be on the same page. Would next Tuesday, March 20
at 10:00 a.m. work?

Classification: UNCLASSIFIED
Caveats: NONE